

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
\_\_\_\_\_  
JOSE AYUSO,

Plaintiff,

6:05-CV-0163  
(GLS)(DRH)

v.

JOSEPH AMEROSA; UTICA POLICE DEPARTMENT;  
MAYOR OF THE CITY OF UTICA,

\_\_\_\_\_  
Defendants.

APPEARANCES:

JOSE AYUSO  
Plaintiff, *pro se*  
04-B-1851  
Wende Correctional Facility  
P.O. Box 1184  
Wende Road  
Alden, NY 14004-1187

GARY L. SHARPE, DISTRICT JUDGE

### ORDER

By Decision and Order of this Court, plaintiff Jose Ayuso was directed to submit an amended complaint which complies with the terms of that Decision and Order if he wished to proceed with this action as against all of the defendants named in his original complaint. Dkt. No. 4 at 2-4.<sup>1</sup>

Plaintiff's amended complaint is before this Court for review. Dkt. No. 7. Because plaintiff's amended complaint substantially cures the deficiencies in his original pleading and otherwise complies with the Court's prior Order, it may properly be filed with the Court.

WHEREFORE, it is hereby

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<sup>1</sup> Plaintiff's application for leave to proceed *in forma pauperis* was granted. *Id.* at 4.

ORDERED, that the Clerk of the Court issue summonses and forward them, along with copies of the amended complaint, to the United States Marshals Service for service upon the defendants, together with a copy of this Order. The Clerk of the Court shall also forward a copy of the summons and amended complaint to the Office of the City of Utica Attorney, together with a copy of this Order, and it is further

ORDERED, that a formal response to plaintiff's amended complaint be filed by the defendants or their counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on the defendants, and it is further

ORDERED, that all pleadings, motions and other documents relating to this action be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367.

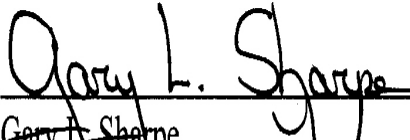
**Any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of it was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a proper certificate of service is to be returned without processing.** Plaintiff shall comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. Motions must comply with Local Rule 7.1 of the Northern District of New York and are to be made returnable before the assigned Magistrate Judge on any business day with proper allowance for notice as required by the Rules. **Plaintiff must promptly notify the Clerk's Office of any change in his address; his failure to do so will result in the dismissal of this action.** All motions will be decided on submitted papers, without oral

argument, unless otherwise ordered by this Court, and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order on plaintiff by regular mail.

IT IS SO ORDERED.

Dated: July 22, 2005  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge